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SUBJECT: CW/BW AND EXPORT CONTROL CONSULTATIONS WITH
ISRAEL, FEBRUARY 12-13, 2007

REF: A) GROMOLL-CROWLEY E-MAIL FROM 2/22 B) STATE
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Classified By: Political Counselor Marc Sievers for reasons 1.4 (B and D).

¶1. (C) Summary: International Security and Nonproliferation DAS Donald Mahley led a team of experts from State and Commerce to Israel on February 11-13 for consultations on chemical and biological weapons non-proliferation and export controls. In the discussions, Israeli MFA Director for Arms Control Alon Bar reiterated Israel's commitment to preventing proliferation of chemical or biological weapons. He said that Israel is familiar with the CWC and BWC and supports their objectives, but is not prepared to join them under the current regional security situation. The Israeli delegation asked about the role that challenge inspections could play in Iran and noted steps the GOI is taking to strengthen its export controls on dual-use and military items. Talks on BW issues focused on the importance of national measures to combat the threat and on Israeli efforts to ensure safeguards on dual-use research. End Summary.

¶2. (C) Alon Bar, joined by his Deputy Tammy Rahamimoff-Honig, Itamar Yaar (NSC), Schmuel Limone (MOD), Ohad Orenstein (Industry/Labor/Trade) and several MOD briefers held consultations on a range of multilateral arms control and export control mechanisms with DAS Mahley, ISN/CB Director Robert Mikulak, ISN/CB Deputy Director Jennie Gromoll, Sarah Heidema from the DOC, and an Embassy representative. As planned, the main focus for discussion was implementation of the Chemical Weapons Convention (CWC). GOI officials requested DAS Mahley continue the decade-long tradition of keeping the GOI apprised of ongoing implementation efforts and the U.S. experience, in practical terms, with key elements of the treaty. Discussions also touched upon issues relating to the Biological Weapons Convention, Wassenaar, MTCA, and Australia Group. MFA Deputy Director General for Strategic Affairs (A/S-equivalent) Miriam Ziv reviewed the talks in a lunch following the February 12 meeting. DAS Mahley discussed these same topics with Israeli experts at the Institute for National Strategic Studies (formerly the Jaffee Center) in Tel Aviv on February ¶3. The delegation's visit renewed expert-level contacts and provided both the USG and GOI with better understandings of the other's positions on CW/BW and export control issues.

GOI views on ratifying the CWC

¶13. (C) As anticipated, the Israeli team reiterated that the GOI had signed the CWC during an optimistic time at the height of the Peace Process in the early-1990's. Bar noted that the regional situation was different today. He maintained that Israel unilaterally follows guidelines established under all the WMD regimes and should be recognized for doing so even though the political context does not allow for Israeli membership. Given official GOI involvement in the preparatory work for CWC implementation, it is keenly aware of the details of the Convention.

¶14. (C) DAS Mahley impressed upon GOI officials that only North Korea, Israel, Egypt, Syria and Lebanon remain as significant non-member states. OPCW Director-General Pfirter has efforts underway to bring the Middle Eastern hold-outs on board. As always, U.S. experts are prepared to work with the GOI on the intricacies of CWC implementation at any time the GOI deems it would be propitious to ratify the Convention. Bar emphasized that the GOI had welcomed DG Pfirter in Jerusalem only a short time ago and that Israeli experts had traveled to The Hague as a gesture of interest in the CWC. They had explained that the political threshold was too high at this juncture to consider putting the CWC before the Knesset. However, he allowed that political considerations can change.

¶15. (C) MOD adviser Limone emphasized that he had participated in the Preparatory Committee work on challenge inspections, confidentiality, and health and safety. The GOI's national

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lab had passed OPCW proficiency tests and provided samples for the OPCW database. Should the Israeli leadership decide to join the CWC, there would be little change in Israel's position on key CWC issues. Their views on ratification, however, have changed, given the regional environment vis--vis the CWC. The national mood is one of apprehension and suspicion. Iran is a growing threat and is in blatant violation of its treaty obligations. Even a challenge inspection could allow them to go "scot-free." He said that the GOI has postponed joining, but has not ruled it out.

¶16. (C) Limone argued that the Syrians and Lebanese (and Egyptians less vocally) who showed up for OPCW meetings on universality in the Middle East take pains to point out their attendance does not indicate political movement toward joining. The EU demarches all three countries each year on non-proliferation and UNSCR 1540, but to no avail. He contrasted the behavior of the Arab hold-outs with that of Israel, which he maintained takes non-proliferation seriously and continues to assess developments in the treaty regimes. Israel holds detailed bilaterals with the Australians after Australia Group (CW/BW export control) meetings. In his view (shared by Bar), Israel is therefore not in the same non-state party category as Syria and North Korea. DAS Mahley responded that, in lieu of improvement in the overall situation, the U.S. will continue to encourage all four regional states to join the CWC as a step in the right direction and in support of a WMD-Free Zone in the Middle East.

CWC and OPCW adapting; CW destruction difficulties remain

¶17. (SBU) DAS Mahley noted that in this tenth anniversary year, the U.S. assessment of the functioning of the CWC and the implementing body, the Organization for the Prohibition of Chemical Weapons (OPCW), was positive. The OPCW is one of the more effective multilateral organizations which does a reasonable job of adapting to the chemical weapons (CW) threat. It has not been as successful in regard to CW destruction; the Russians are struggling to achieve

destruction of 20 percent of their stockpile by the treaty-mandated date for 100 percent; the U.S. has so far been able to destroy only 40 percent of its declared stockpile, due in part to domestic regulatory issues, even though the U.S. has spent billions of dollars on the program.

Over the last decade the OPCW and member states have developed a stable and effective inspection regime. We are considering how to adapt to a future situation when CW destruction is complete and there is a large inspectorate and changes in technology -- as well as somewhat outdated lists of declared chemicals.

¶ 8. (C) ISN/CB Office Director Mikulak added that one treaty requirement -- sampling and analysis -- has only begun and is potentially a useful tool for inspectors. Inspectors use blinding software to insure that only scheduled chemicals are displayed, thus protecting commercial secrets. The equipment, however, is cumbersome (1500 lbs for analysis on-site). He also pointed out the importance of domestic implementation vis-a-vis non-state actors. There is a systematic effort underway in The Hague, where the OPCW and the U.S. are using pressure and assistance to encourage member states to put penal legislation into place. This is required under UNSCR 1540 as well.

Routine and challenge inspections

¶ 9. (C) The U.S. team noted that challenge inspections have not occurred and have never been considered something to be done routinely to clarify declarations. The threshold is much higher for an illicit program. There are some team chiefs that want to expand the scope of their routine inspections in industry, but their numbers are dwindling. The U.S. continues to push for increased inspections at commercial facilities and is making some progress in shifting the focus to those developing countries we suspect of dual-use enterprises. The U.S. has fared well during OPCW inspections, only having a few uncertainties, in some cases

related to records unavailable at the time of the inspection and provided subsequently. We continue to make clear that the CWC schedules of chemicals are for verification purposes only and do not constitute a full list of chemical weapons or their ingredients. The U.S. is reluctant to modify the schedules. However, there are indications of CW being produced from chemicals that are not on the lists and thus not subject to declaration and inspection.

¶ 10. (C) The Israeli team was interested in whether there is a level of inspection between routine and challenge. OPCW Director-General Pfirter had replied that it was not a simple answer. Mikulak noted that the OPCW had inquired of parties about undeclared facilities; however, there are no measures other than a challenge inspection to allow inspection of undeclared sites. Limone maintained that challenge inspections are now seen as a punitive tool. He asked why USG had not pushed for a challenge inspection in Iran despite the fact that U.S. officials had said Iran was in violation of the CWC with alleged maintenance of chemical weapons production facilities. DAS Mahley explained that a challenge inspection had become such a high-profile instrument that if one could not be confident of finding a "smoking gun" by means of the inspection, there was a real danger that pursuing the inspection would actually provide diplomatic "top cover" for the proliferators. However the USG continues to examine scenarios of how it could work with a variety of CWC Parties.

Export controls and tracking arms sales/transfers

¶ 11. (C/NF) Limone reported that the GOI had ensured domestic legislation was in place; the GOI is in the last stages of pushing updated export control laws through the Knesset. He said that Israel is careful about exporting dual-use

equipment that could be used for military purposes. MOD intelligence officers briefed the delegation on Iranian arms trafficking/support for Hizballah and regional efforts to develop CW/BW. MFA Deputy Director General for Strategic Affairs (A/S-equivalent) Miriam Ziv later expressed particular interest in how the Russians track arms sales/transfers (especially those to Syria). Experts from both sides agreed that most countries do not have "post-shipment verification mechanisms" (beyond an end-user certificate). The Israelis said that they had asked a recipient country for such an assurance for their exports and were "refused." The GOI claimed that although they maintain "exchanges" with key Wassenaar, MTCR and AG players, Israel is viewed with suspicion -- particularly from the Nordics and Russia -- for implementing the measures unilaterally.

BWC issues

¶12. (C) During discussions on the Biological Weapons Convention (BWC), Mahley pointed out that the U.S. had led the effort to defeat the legally-binding verification protocol and now felt universally vindicated by this stance, especially given developments in biotechnology and the security environment. Some states parties remain hopeful that the next U.S. administration will revive the negotiations on a legally-binding mechanism. However, the success of the 2003-2005 BWC Work Program has shown that national measures, to include penal legislation, are the most critical in countering the growing BW threat -- especially from non-state actors. The norm -- and legal obligations -- established by the BWC continue to be recognized. Efforts at pathogen security, codes of conduct for life scientists and the correlation between BW and disease surveillance had been made clear in the Geneva expert meetings -- most importantly to the non-aligned states. Participation in "Work Program" meetings doubled from that during the Protocol negotiations and a good number of non-aligned countries had requested assistance.

¶13. (C) The Israeli NSC representative noted positive efforts by the Israeli Academy of Science to develop recommended measures for ensuring proper safeguards for dual-use

biological research, drawing heavily on the U.S. National Academy of Sciences "Fink Report." These comments were echoed by academics in a February 13 discussion in Tel Aviv at the Institute for National Strategic Studies.

¶14. (U) DAS Mahley and his delegation have cleared this message.

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